

III. Amendments to the Drawings:

Applicant submits herewith an Appendix including Replacement Drawing Sheet, and an Annotated Drawing Sheet, including Figures 4 and 5. The Replacement Drawing Sheet replaces the corresponding drawings sheet originally submitted with the application as-filed. The Annotated Drawing Sheet shows the changes made to Figure 5.

Applicants have amended Figure 5 to replace reference number "12a" with reference number "4a," and to replace reference number "13a" with reference number "5a."

Attachments: Replacement Drawing Sheets
 Annotated Drawing Sheets

IV. REMARKS/ARGUMENTS

A. Status of the Claims

Claims 9, 16, 20, and 22-24 are currently pending in the application. The pending Office objects to the drawings and rejects claims 9, 16, 20, 22-24. By this amendment, drawing Figure 5 and claims 12, 16, 20, 22, and 23 are amended. No new matter is introduced by this amendment. Applicant respectfully requests reconsideration of the pending claims for at least the following reasons.

B. Objections to the Drawings

The Office Action objects to Figures 4 and 5 for containing improper numbering. Office Action, pages 2-3. Applicant has amended drawing Figure 5 to correct the inconsistencies in the numbering. More specifically, reference numerals 12a and 13a have been replaced with reference numerals 4a and 5a, respectively. The amendments to Figure 5 are fully supported by the specification as originally filed, such as, for example, on page 4, line 29. Therefore, no new matter has been added.

Applicant believes that the foregoing amendment to Figure 5 is fully responsive to the objection to the drawings. As such, Applicant respectfully requests withdrawal of the objection to the drawings.

C. Claim Rejections

1. Claim rejections under 35 U.S.C. § 112, second paragraph

The Office Action rejects claim 20 under 35 U.S.C. § 112, second paragraph, allegedly as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Office Action, page 3. For at least the following reasons, Applicant respectfully traverses this rejection.

Applicant thanks the Examiner for pointing out the confusing language of claim 20. With respect to claim 20, the Office Action alleges that “the phrase ‘said frame members further having at their inner perimeters at least for portions of the circumscribed area integral laterally projecting lips...’ is confusing and grammatically incorrect.” *Id.* Applicant has amended claim 20 to further clarify the elements recited therein, consistent with the specification. More

specifically, Applicant has amended claim 20 to recite the following: “each of said frame members further having about at least a portion of at its inner perimeter, an integral laterally projecting lip, whereby when said members are fitted together, said lips project inwardly but do not abut, thereby forming slotted walls.” The claim amendment is fully supported by the application as originally filed, such as, for example, in Figures 3-5, and in the specification on page 5, lines 26-28. Therefore, no new matter has been added.

Applicant respectfully submits that the amendments to claim 20 are fully responsive to the rejections set forth in the Office Action, and that the amended claim sets forth the claimed subject matter “with a reasonable degree of clarity and particularity.” See MPEP § 2173.02. Therefore Applicant respectfully requests withdrawal of this ground of rejection. If, however, upon further review, Examiner finds that the claims are still indefinite, Applicant encourages the Examiner to suggest alternative claim language that will improve the clarity or precision of the claims. *See id.*

D. Claim Rejections Under 35 U.S.C. § 102

I. Claims 9, 16, and 22 - Phillips

The Office Action rejects claims 9, 22 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,621,478 to Phillips et al. (“Phillips”). Office Action, page 4. Applicant respectfully traverses this rejection and request reconsideration and allowance of claims 9, 22 and 16 for at least the following reasons.

A claim is anticipated by a reference only if “each and every element as set forth in the claim is found, either expressly or inherently described” in the reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *see also* M.P.E.P. § 2131. Applicant respectfully submits that Phillips fails to anticipate claims 9, 16, and 22, because Phillips fails to disclose each and every element of these claims, as set forth below.

Phillips discloses a simplified plastic window framing system. Phillips, Abstract. The window frame system of Phillips is made of multiple extruded parts (also called “extrusions” or “profiles”). *Id.* at col. 2, ll. 27-28. The window frame perimeter of Phillips is formed by joining at least two horizontal peripheral members (such as member 24) and at least two vertical peripheral members (such as member 22), as illustrated in Figure 1. *Id.* at col. 4, ll. 33-38.

These four peripheral parts are fastened together, such as with screws, to form the perimeter of the window frame. *Id.* Each of the horizontal and vertical peripheral frame members is a **linear** extrusion, i.e., an extrusion having a uniform cross-section or profile along the extruded length. *See, e.g., id.* at Figures 1, 2, 6 (showing profiles of several linear peripheral frame members). It is only when these linear parts are joined that they can form the perimeter of the frame. These **linear** extrusions may be co-extruded with additional **co-linear** parts, such as glass seal 40, which also maintain a uniform cross-section or profile along the extruded length of the extrusion.

However, Phillips completely fails to disclose a window frame unit comprising a one piece integrally molded area circumscribing frame member, as recited in claims 9 and 22. The present application is directed to a “one piece integrally molded frame member” as opposed to a frame member that is assembled from four linear extrusions. *See*, Abstract. As explained in the Application, “The cutting, mitering and assembly of the various frame members or components making up the frame requires very considerable time and skill so that the cost of producing the frames is relatively high and it is difficult to maintain consistent, precise frame dimensions and secure connections between the various components.” Specification, page 1, lines 22-26. The application discloses an improvement over conventional frame constructions by providing a molded frame member that integrates the four peripheral linear frame members into a one-piece rectangular member. “Because the frame members are injection or compression molded, they can be formed . . . without joints or inconsistent dimensions.” Specification, page 6, lines 31-33. As illustrated in Figure 1, two of these integrally molded frame members (e.g., 12 and 13) can be joined to form a window frame unit. Accordingly, independent claims 9 and 22 recite a window frame unit comprising, inter alia, “first and second one piece integrally molded area circumscribing frame members.”

While Phillips discloses multiple extruded linear frame members, Phillips completely fails to disclose one-piece integrally molded area circumscribing frame members, as recited in claims 9 and 22. The Office Action alleges that Figure 9 of Phillips, which is an illustration of the profile of an extruded mullion, illustrates a molded frame member as recited in the pending claims. Applicants respectfully disagree. As an initial matter, the part illustrated in Figure 9 is a **extruded** part as opposed to a **molded** part. In addition, Figure 9 shows the cross section of just one linear member of a four-member frame, as opposed to a one-piece integrally molded frame member that integrates four linear members.

In the interest of expediting prosecution of the application, Applicants have amended the claims to further clarify the recited features, consistent with the specification, so that the recited features are more readily-distinguishable over the structure illustrated in Figure 9 of Phillips. More specifically, Applicants have amended the claims to provide that each of the frame members has an "outer perimeter" defined by a laterally extending peripheral wall, and circumscribes a "window area." These claim amendments are fully supported by the application as originally filed, such as, for example, in the Figures.

Phillips fails to disclose a one piece integrally molded area circumscribing frame members, having an outer perimeter defined by a laterally extending peripheral wall, and circumscribing a window area as recited in claims 9, 16, and 22. For at least these reasons, Phillips cannot anticipate these claims. Therefore, Applicant respectfully requests withdrawal of this claim rejection, and allowance of claims 9, 16, and 22.

2. Claim 20 - Leonelli

The Office Action rejects claim 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,577,355 to Leonelli ("Leonelli"). See Office Action, page 6. Applicant respectfully traverses this rejection and request reconsideration and allowance of claim 20 for at least the following reasons.

A claim is anticipated by a reference only if "each and every element as set forth in the claim is found, either expressly or inherently described" in the reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); see also M.P.E.P. § 2131. As set forth below, Applicant respectfully submits that Leonelli fails to anticipate claim 20, because Leonelli fails to disclose each and every element of claim 20.

Leonelli discloses a window frame made from multiple linear extruded frame sections. Leonelli, col. 2, ll. 47-48, 52, and col. 2, ll. 32-33 ("The frame system itself is formed by an upper header, side jambs and a lower sill.") Each of the individual sections is a single linear extrusion. *Id.* at col. 51-60, col. 2, ll. 39-41, Fig. 5. The profile (i.e., cross section) of each extrusion is such that the extrusion includes two opposing sides of the frame that can be separated after the part is extruded. *Id.* However, to form the perimeter of the window unit illustrated in Figures 1, and 2, these four linear sections must be cut and joined at the corners of

the frame: "In order to fit the frame assembly to the window panel and the door, each of the individual frame sections is cut as again shown in FIG. 3 of the drawings to produce the separate jamb pieces 3a and 3b, the separate header pieces 5a and 5b and the separate sill pieces 7a and 7b." *Id.* at col. 2, ll. 63-67.

However, Leonelli completely fails to disclose a first and second one piece integrally molded area circumscribing frame members, as recited in claim 20. At best, Leonelli discloses a frame member formed by four separate members. Leonelli also fails to disclose frame members that are configured to fit against one another to form a support frame circumscribing a window area, where each frame member has an outer perimeter defined by laterally projecting peripheral wall, such that when said frame members are fitted together the peripheral walls abut, as presently recited in claim 20. As illustrated in the Figures of Leonelli, the walls that form the outer perimeter of the frame members are separated by a door panel or a window panel. For at least these reasons, Leonelli fails to disclose each and every element of claim 20, and therefore cannot anticipate claim 20. As such, Applicant respectfully requests withdrawal of this basis for rejection, and allowance of claim 20.

3. Claims 23-24 - Guhl.

The Office Action rejects claims 23-24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,055,783 to Guhl et al. ("Guhl"). *See* Office Action, page 7. Applicant respectfully traverses this rejection and request reconsideration and allowance of claims 23-24 for at least the following reasons.

A claim is anticipated by a reference only if "each and every element as set forth in the claim is found, either expressly or inherently described" in the reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *see also* M.P.E.P. § 2131. As set forth below, Applicant respectfully submits that Guhl fails to anticipate claims 23-24, because Guhl fails to disclose each and every element of these claims.

Guhl generally is directed to a multi-paned window unit. Guhl, Abstract. The Fenestration unit of Guhl has a sash that includes four sash members (19a, 19b, 19c, 19d) illustrated in Figure 3. *Id.* at col. 3, ll. 16-17. "Construction of the sash 19 involves constructing the sash members 19a-d and then fastening the sash members 19a-d together to create the sash

19.” *Id.* at col. 3, ll. 19-29. As assembled, the sash then supports the glass panes. *Id.* at col. 3, ll. 30-32.

However, Guhl fails to disclose a first and second one piece integrally molded area circumscribing frame members that fit against one another at their outer perimeters to form a first support frame circumscribing a window area therewithin, as recited in claims 23 and 24. As set forth above, the sash of Guhl is constructed of four separate pieces. For at least this reason, Guhl fails to disclose each and every element of claims 23 and 24, and therefore cannot anticipate these claims. As such, Applicant respectfully requests withdrawal of this basis for rejection, and allowance of claims 23 and 24.

V. CONCLUSION

The Applicant respectfully submits that the foregoing amendments place the application in condition for allowance. As such, Applicant respectfully requests prompt indication of allowance of the pending claims. Should any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number listed below.

Applicant has included herewith a petition for a one month extension of time under 37 DFR § 1.136, including authorization to charge the requisite fees. In the event any additional fees are necessary, please charge such fees, including fees for any extensions of time, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
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Appendix

